IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.673 OF 2002

IN

CHAMBER SUMMONS NO.696 OF 2001

IN

EXECUTION APPLICATION NO.445 OF 2000

IN

SUMMARY SUIT NO.4150 OF 1997

M/s Veetrag Investments and Finance Co. and ors. ...Appellants

v/s

M/s Seksaria Sons Pvt.Ltd. and ors. ...Respondents

Mr V.B. Naik with Mr V.N. Kantawalla for Appellants.

Mr B. Dandekar for Respondents.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 25TH OCTOBER 2007.

P.C. :-

1. By this appeal, the original decree holders who are auction purchasers challenge the order passed by the learned Single Judge of this Court dated 6th/7th February 2002 in chamber summons No.696 of 2001 holding that attachment of tenancy rights of the judgment debtor in Premier Brass and Metal Works Pvt.Ltd. in execution of the decree was not valid. Now because of judgment of the Full Bench in the case of Tanagerine Electronics Systems Pvt.Ltd., Mumbai v/s Indian Chemicals, Mumbai and ors. reported in 2004(2) Mh.L.J. 305, so far as this Court is concerned, the law is that tenancy rights of the judgment debtors can be sold in execution of a decree. The Full Bench has specifically overruled the judgment of the learned Single Judge which is impugned in this appeal. Because of the judgment of the Full Bench, the judgment which is impugned in the appeal does not survive and therefore, this appeal has become infructuous. Appeal is disposed off as such.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary of the Court.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)